

BILL ANALYSIS

Senate Research Center
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S.B. 1302
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Mail-in ballots are often the subject of election fraud allegations and investigations. The 2008 primary election in Jim Wells County was plagued by mail-in voter assistance fraud. Three people were accused of talking people into applying for a mail-in ballot, and when the mail-in ballot came in, encouraging them to vote for certain candidates. One woman said she would receive \$150 for each 50 completed ballots that she turned in. Most of the voters whose ballots are taken in this manner are elderly or do not speak English and do not always understand what is going on.

In 2004, two people in Bowie County pled guilty to illegally handling the mail-in ballot of another person. After the elderly individuals had voted, the people took their ballots and mailed them. Similarly, in 2005, in Nueces County, four cases of mail-in ballot voter fraud occurred. This has also happened in other counties such as Reeves County and Hardeman County.

As proposed, S.B. 1302 amends current law relating to the offense of paying or receiving certain forms of compensation for assisting voters who vote early by mail and provides criminal penalties.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 86, Election Code, by adding Section 86.0105, as follows:

Sec. 86.0105. PERFORMANCE-BASED COMPENSATION FOR ASSISTANCE PROHIBITED. (a) Provides that a person commits an offense if the person:

- (1) compensates another person based on the number of voters assisted as provided by Section 86.010 (Assisting Voter);
- (2) presents another person with a quota of voters to be assisted as provided by Section 86.010;
- (3) engages in another practice that causes another person's compensation from or employment status with the person to be dependent on the number of voters assisted as provided by Section 86.010; or
- (4) accepts compensation for an activity described by Subdivision (1), (2), or (3).

(b) Provides that an offense under this section is a Class A misdemeanor.

(c) Provides that an officer, director, or other agent of an entity that commits an offense under this section is punishable for the offense.

SECTION 2. Effective date: September 1, 2011.